IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 14514 of 2004(C)

PETITIONERS:
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1. ANILA. R., (JUNIOR CLERK,
ASTTINGAL MUNICIPAL TOWN SERVICE
CO-OPERATIVE BANK),EDAMANATHOTTATHIL HOUSE,
THOTTAVARAM, ATTINGAL, THIRUVANANTHAPURAM DIST.

2. REKHA. K.R., (JUNIOR CLERK, ATTINGAL
MUNICIPAL TOWN SERVICE CO-OPERATIVE BANK)
VILAYIL VEEDU, KUZHIYIL MUKKU, ATTINGAL,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO THE GOVERNMENT, CO-OPERATION
DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), THIRUVANANTHAPURAM.

3. THE ATTINGAL MUNICIPAL TOWN SERVICE
CO-OPERATIVE BANK LTD.NO.T.437, ATTINGAL P.O.,
REPRESENTED BY ITS SECRETARY.

BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 14514/2004 C

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RESOLUTION BEARING NO. 4 DT. 6/2/98.

EXT.P2. COPY OF THE RESOLUTION NOS. 3 & 4 DT. 28/3/99.

EXT.P3. COPY OF THE ORDER BEARING NO. CRP (2) 3281/99 DT. 8/7/99, ISSUED BY THE R2.

EXT.P4. COPY OF THE JUDGMENT IN OP NO. 19236/99 DT. 9/10/2003.

EXT.P5. COPY OF THE MEMORANDUM OF APPEAL DT. 5/11/2003 FILED BY THE PETITIONERS BEFORE THE R1.

EXT.P6. COPY OF THE GOVT. ORDER BEARING NO. 167/2004/CO-OP DT. 17/3/2004.

EXT.P7. COPY OF THE ORDER BEARING NO. CRP 2/5191/2000/F.DIS DT. 25/1/2001, BY THE R2.

True copy

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KURIAN JOSEPH, J.

W.P(C)No.14514 of 2004

Dated this the 14th day of June, 2007

JUDGMENT

The challenge is on Ext.P6 order passed by the Government directing the Registrar to rescind the resolution of the 3rd respondent Bank under Rule 176 of the Kerala Co-operative Societies Rules, 1969. It is the contention of the petitioners that in the light of the directions as issued, the respondent has only to rescind the resolution which is not contemplated under law. The further contention is that the appointments are made in terms of the staff pattern. If that be so, going by the decision of this court in Elampal Service Co-operative Bank Ltd. v. Government of Kerala, 2000 (3) KLT 389 no prior approval of the Registrar is necessary. I quash Ext.P6 declaring that in case the appointment of the petitioners is made in accordance with the staff pattern, the same shall not be interfered with.

(KURIAN JOSEPH, JUDGE)

ahg.